

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARTHUR BONIN,

Plaintiff,

vs.

JOSEPH ELETTO TRANSFER, INC., et al.,

Defendants.

Case No.: CV 13-00997

ORDER DENYING FILING OF FIRST
AMENDED COMPLAINT

At the June 4, 2013 Case Management Conference, the parties advised the Court that the identities of previously unidentified fictitious defendant had been identified by their true names, and that Plaintiff would be filing his First Amended Complaint, and the parties would be seeking remand to state court for further adjudication of this action.

On June 20, 2013, the parties filed a stipulation permitting Plaintiff to file a First Amended Complaint in this action. (Dkt. No. 19.) The First Amended Complaint as submitted, however, fails to comport with the pleading standards outlined in Rule 8(a)(1) of the Federal Rules of Civil Procedure, as it fails to provide a basis for federal jurisdiction. As a result, the Court DENIES without prejudice the parties' stipulation permitting Plaintiff to file his First Amended Complaint.

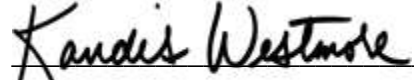
Given that the proposed First Amended Complaint is on a Judicial Council of California-approved form, it would not be proper to file it in federal court. As a result, the Court finds that it would be more expeditious, avoid additional burden or expense by the parties, and promote judicial economy for the parties to enter into a stipulation to remand the action to the Superior Court of California, County of Alameda, based on the anticipated amendment of the complaint to add non-

1 diverse parties, which would destroy diversity and divest the federal court of jurisdiction. In the
2 alternative, the parties may stipulate to a dismissal of the action and to re-filing in state court.

3 The parties have until August 5, 2013 to file a stipulation to remand the action to state court,
4 file a dismissal, or inform the Court if they intend to proceed otherwise.

5 IT IS SO ORDERED.

6
7 DATE: July 1, 2013


KANDIS A. WESTMORE
United States Magistrate Judge